

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

FILED
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DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2018L011925

STEPHEN CRIFASE,)	
)	
Plaintiffs,)	
)	
v.)	
)	
VANTAGE SPECIALTIES, INC., a/k/a)	No. 2018L011925
VANTAGE SPECIALTY CHEMICALS d/b/a)	
H.I.G. CHEMICALS HOLDINGS, CORP.,)	
PETROFERM, INC., PETROFERM FUELS,)	
PETROFERM CLEANING PRODUCTS,)	
LAMBERT TECHNOLOGIES; and)	
VANTAGE OLEO CHEMICALS, INC. a/k/a)	
VANTAGE SPECIALTY CHEMICALS,)	
)	
Defendants.)	

COMPLAINT AT LAW

Plaintiffs, STEPHEN CRIFASE, by and through his attorney KUPETS & DeCARO, P.C., complaining of the Defendants, VANTAGE SPECIALTIES, INC., a/k/a VANTAGE SPECIALTY CHEMICALS d/b/a H.I.G. CHEMICALS HOLDINGS, CORP., PETROFERM, INC., PETROFERM FUELS, PETROFERM CLEANING PRODUCTS, LAMBERT TECHNOLOGIES; and VANTAGE OLEO CHEMICALS, INC. a/k/a VANTAGE SPECIALTY CHEMICALS, states the following:

GENERAL ALLEGATIONS

THE PARTIES:

1. At all relevant times herein, Plaintiff, Stephen Crifase currently resides in State of Illinois.

2. At all relevant times herein, Defendant Vantage Specialties, Inc., was a foreign corporation licensed to do business in the State of Illinois with its Global Headquarters located at 4650 South Racine Avenue, Chicago, IL 60609

3. At all relevant times herein, Defendant Vantage Specialties, Inc., was also known as Vantage Specialty Chemicals and was doing business as H.I.G. Chemical Holdings, Corp., Petroferm, Inc., Petroferm Cleaning Products, Lambert Technologies and Petroferm Fuels (collectively referred to hereafter as “Vantage Specialties”).

4. At all relevant times herein, Defendant, Vantage Oleochemical, Inc., was a foreign corporation licensed to do business in Illinois and with its principal business headquarters located in Chicago, Illinois.

5. At all relevant times herein, Defendant, Vantage Oleochemical, Inc., was a/k/a Vantage Specialty Chemicals (hereafter collectively referred to as “Vantage Oleo”).

6. At all relevant times herein, Defendants, Vantage Specialties and Vantage Oleo were and are engaged in the business of manufacturing, blending, formulating and mixing for worldwide distribution of Oleochemical, Specialty Chemicals and mixed natural and manufactured gas.

7. At all relevant times herein, Defendants, Vantage Specialties and Vantage Oleo operated a manufacturing and blending facility located at 3938 PORETT DRIVE, GURNEE, IL 60031. (Hereafter referred to as the “Gurnee Facility.”)

THE INCIDENT

9. At all relevant times herein, Plaintiff Stephen Crifase was employed by Aerotech, Inc., and Mostardi Platt, Inc., as an environmental scientist assigned with a group of co-employees to perform tests and measure the air quality and particulates omissions at the Vantage

Gurnee Facility.

10. On November 14, 2016, Plaintiff and his co-workers reported to the Gurnee Facility to set up the equipment to measure the air quality and particulates emissions from the smoke stack, beginning the following morning.

11. On November 15, 2016, at approximately 7:00 a.m., the Plaintiff and his co-workers began the assigned work of measuring the air quality.

12. Initially, the equipment was calibrated before being connected to the smoke stack tubing so that the reading would be at "0." After the equipment was calibrated the tubing running from the smoke stack was connected to the equipment to begin the testing.

13. Immediately after it was connected, the reading on the equipment indicated the limit reading that was set as a solid 1.0 ppm rather than the acceptable level of .01 ppm for ethylene propanol dioxide.

14. They immediately shut down the equipment and recalibrated the equipment to insure an accurate reading but set the limit at 10 ppm. When they started testing the emissions again, the machine went to the upper limit set of 10 ppm.

15. Once again, they recalibrated the equipment again to ensure it was functioning properly and raised the upper limit to read 100 ppm and once testing began the reading went to the upper limit of 100 pm.

16. The testing crew replaced some of the equipment and recalibrated the replacement equipment and tested the emission again and the reading went to 10,000 ppm and then 30,000 ppm.

17. Throughout the testing of the air quality and the recalibration of the equipment, Plaintiff and other workers on the roof top station were experiencing progressive light

headedness, nausea, and migraine headaches.

18. After the 30,000 ppm reading was made, the foreman operating the equipment in the testing truck called an emergency shut down and ordered Steve and his co-employees on the roof at the collection station to evacuate the building immediately and to leave their equipment.

19. The foreman notified the Vantage contacts for the factory regarding the toxic level of ethylene oxide/propylene oxide being emitted from the smoke stack.

20. Steve and his co-employees were immediately sent home in order to allow the contaminated air a chance to dissipate.

21. On November 17, 2016, the Mostardi workers including Plaintiff Stephen Crifase, returned to the Gurnee Facility expecting to perform their testing. When they arrived they were told that there was nothing changed and they remained at the site that day. The Mostardi Supervisor again told the Gurnee Facility Supervisor that they could not perform the tests because of the levels.

22. The following morning, on 11/17/16, Steve and his co-employees returned to the Defendants' Gurnee Facility to pick up their equipment. At that time, they were told nothing was being done regarding the toxic emissions and the plant was operating as it was the day before.

23. As a result, the Gurnee Facility Supervisors were told that the Mostardi-Platt employees would not go back on the roof until it was safe to do so. The Gurnee Facility sent their own employees to collect the roof top equipment and bring it down.

24. On November 18, 2016, Plaintiff Stephen Crifase and the other workers were told by their supervisor to dispose of all clothing they were wearing that day including shoes, trousers, and shirts and jackets as well as any backpacks that they may have had with them on the roof.

25. That day and for several days thereafter, Plaintiff continued to have a migraine headache, continued to feel light headed, sluggish and developed sensitivity to light. On August 22, 2016, he went to the emergency room.

26. Plaintiff continues to suffer medical issues as a result of the toxic exposure to chemicals emitted from the Gurnee Facility and suffered damages which will be more specially identified hereafter.

COUNT I

(VANTAGE SPECIALTY CHEMICALS - NEGLIGENCE)

27. Plaintiff adopts and realleges paragraph 1-26 of the Complaint as his paragraph 27 as if pleaded herein in full.

28. Defendants, Vantage Specialty Chemicals had a duty to use ordinary care to insure a reasonably safe, secure, and proper workplace for its workers and other workers at the Gurnee Facility, notwithstanding said duty, the Defendant through its agents, servants and employees, did or failed to do one of the following:

- (a) Negligently, carelessly and/or improperly failed to warn Plaintiff of the toxic levels of Ethylene oxide/Propylene oxide being emitted from its facility;
- (b) Negligently, carelessly and/or improperly failed to inform or warn the Plaintiff or his supervisors of the toxic levels of ethylene oxide on its premises;
- (c) Negligently, carelessly and/or improperly failed to properly monitor the levels of toxic chemicals emitted from its facility.
- (d) Negligently, carelessly and/or improperly failed to shut down the facility after being told of the toxic and hazardous levels of chemicals being emitted from the smoke stack;
- (e) Negligently, carelessly and/or improperly failed to provide

the Plaintiff and other workers with the proper training and equipment for safely working at its facility where toxic chemicals were present.

- (f) Negligently, carelessly and/or improperly failed to provide Plaintiff and other workers at the facility any information of the risks associated with exposure to toxic chemicals emitted there;
- (g) In violation of 29 CFR 1910-1200(h) (1) and (2), refused to provide information on hazardous chemicals to workers;
- (h) In violation of 29 CFR 1910.1200(e)(1) refused to develop, implement, and maintain a written hazard communication program;
- (i) In violation of 29 CFR 1910.128, refused to provide workers with adequate safety clothing;
- (j) In violation of 29 CFR 1910.132(f)(1) and 1910.132(f)(1) i to (f)(1)(v), refused to provide personal protective safety equipment to workers at the Gurnee Facility.

29. As a direct and proximate result of one or more of the aforementioned acts or omissions of the Defendants, by their agents, servants or employees, Vantage Specialties, the Plaintiff, Stephen Crifase, did suffer severe injuries of a personal and pecuniary nature including pain and suffering, wage loss, medical expenses, disability and disfigurement, some of which maybe permanent.

WHEREFORE, the Plaintiff, Stephen Crifase respectfully requests that judgment be entered in his favor and against the Defendants Vantage Specialties, Inc., a/k/a Vantage Specialty Chemicals d/b/a H.I.G. Chemical Holdings Corp., Petroferm, Inc., Petroferm Fuels and Lambert Technologies in an amount necessary to fully and fairly compensate him for all of his losses which substantially exceeds the minimum jurisdictional amount of Cook County, Law Division.

COUNT II

(VANTAGE OLEO CHEMICALS - NEGLIGENCE)

30. Plaintiff, Stephen Crifase, adopts and realleges Paragraphs 1-26 of this Complaint as his paragraph 30 as if pleaded herein in full.

31. Defendants, Vantage Oleo, had a duty to use ordinary care to insure a reasonably safe, secure, and proper workplace for its workers and other workers at the Gurnee Facility notwithstanding said duty, the Defendant through its agents, servants and employees, did or failed to do one of the following:

- (a) Negligently, carelessly and/or improperly failed to warn Plaintiff of the toxic levels of Ethylene oxide/Propylene oxide being emitted from its facility;
- (b) Negligently, carelessly and/or improperly failed to inform the Plaintiff or his supervisors of the toxic levels of ethylene oxide on its premises;
- (c) Negligently, carelessly and/or improperly failed to properly monitor the levels of toxic chemicals emitted from its facility.
- (d) Negligently, carelessly and/or improperly failed to shut down the facility after being told of the toxic and hazardous levels of chemicals being emitted from the smoke stack;
- (e) Negligently, carelessly and/or improperly failed to provide the Plaintiff and other workers with the proper training and equipment for safely working at its facility where toxic chemicals were present.
- (f) Negligently, carelessly and/or improperly failed to provide workers at the facility information of the risks associated with exposure to toxic chemicals emitted there;
- (g) In violation of 29 CFR 1910-1200(h) (1) and (2), refused to provide information on hazardous chemicals to workers;
- (h) In violation of 29 CFR 1910.1200(e)(1) refused to develop, implement, and maintain a written hazard communication program;

- (i) In violation of 29 CFR 1910.128, refused to provide workers with adequate safety clothing;
- (j) In violation of 29 CFR 1910.132(f)(1) and 1910.132(f)(1) i to (f)(1)(v), refused to provide personal protective safety equipment to workers at the Gurnee Facility.

32. As a direct and proximate result of one or more of the aforementioned acts or omissions of the Defendant, by their agents, servants or employees Vantage Oleo, the Plaintiff, Stephen Crifase, did suffer severe injuries of a personal and pecuniary nature including, pain and suffering, wage loss, medical expenses, disability and disfigurement, some of which maybe permanent.

WHEREFORE, the Plaintiff, Stephen Crifase respectfully requests that judgment be entered in his favor and against the Defendants, Vantage Oleo Chemicals, Inc., a/k/a Vantage Specialty Chemicals, in an amount necessary to fully and fairly compensate him for all of his losses which substantially exceeds the minimum jurisdictional amount of Cook County, Law Division.

Respectfully Submitted,
Stephen Crifase,

/s/ David J. Kupets
David J. Kupets

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